

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANA GARCIA,

Plaintiff,

vs.

TARGET CORPORATION,

Defendant.

Case No. 21-cv-5968

Judge:

Magistrate Judge:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332 and 1441, Defendant, TARGET CORPORATION, by and through one of its attorneys, ROBERT M. BURKE of JOHNSON & BELL, LTD., hereby gives notice of the removal of the above-captioned action from the Circuit Court of Cook County, Illinois, Cause No. 2021-L-009484, to the United States District Court for the Northern District of Illinois, Eastern Division, and in support thereof, states the following:

1. This action is being removed to federal court based upon the complete diversity of citizenship between Plaintiff and Defendant to this cause and the existence of the requisite amount in controversy, as is also more fully set forth below.

2. On or about September 24, 2021, Plaintiff, Ana Garcia, initiated the above-captioned lawsuit by the filing of a Complaint at Law entitled *Ana Garcia vs. Target Corporation*, Cause No. 2021-L-009484, in the Circuit Court of Cook County, Illinois. A copy of the Complaint at Law is attached hereto as Exhibit “A” and incorporated herein by reference.

3. Plaintiff caused a Summons to be issued to Defendant, Target Corporation, on or about September 24, 2021, and directed that it be served on its registered agent. A

Copy of the Summons is attached hereto as Exhibit “B” and incorporated herein by reference.

4. The Summons and Complaint were served upon Target Corporation on October 7, 2021.

5. The United States District Court for the Northern District of Illinois has jurisdiction over this action pursuant to 28 U.S.C. §§ 1332 and 1441 for the following reasons:

- (a) Plaintiff, Ana Garcia, at the time the lawsuit was commenced and at all relevant times, has been a resident and citizen of the State of Illinois;
- (b) Defendant, Target Corporation, at all relevant times, has been a Minnesota corporation with its principal place of business in Minnesota; therefore, for diversity of citizenship purposes, it is a citizen of the State of Minnesota;
- (c) According to the allegations contained in Plaintiff’s Complaint at Law herein, the amount of damages sought in this action by Plaintiffs is an amount in excess of \$50,000.00. Plaintiff, Ana Garcia, claims that as a result of the occurrence alleged in her Complaint at Law, she sustained serious and permanent injuries, she was required to seek medical consultation and treatment, she has expended, and will in the future expend, great sums of money to be healed and cured of her maladies, she has suffered, and will in the future continue to suffer, great pain, anguish, and physical and mental suffering, and she was deprived of earnings to which she might otherwise have been entitled. (See Complaint at Law at ¶ 8.) Such allegations are sufficient to trigger the duty to remove the case. *McCoy v. General Motors Corp.*, 226 F. Supp. 2d 939 (N.D. Ill. 2002); *Varkalis v. Werner Co.*, No. 10-cv-3331, 2010 WL 3273493 (N.D. Ill. Aug. 18, 2010), a copy of which decision is attached hereto as Exhibit “C”;
- (d) Based upon the foregoing, it is the Defendant’s good faith belief that while liability and damages issues will continue to be contested in the underlying action, the amount in controversy in this action exceeds \$75,000.00 exclusive of interest and costs;

- (e) This Notice of Removal is being timely filed with the Clerk of the United States District Court for the Northern District of Illinois on the first business day following the 30th day after service of the Complaint and Summons as the 30th day fell on a Saturday, November 6, 2021 (Fed.R.Civ.P. 6(a)(1)(C) and pursuant to 28 U.S.C. § 1446(b);
- (f) Removal, based on diversity of citizenship, is proper where all of the parties properly joined and served as defendants are diverse from all plaintiffs and where the requisite amount in controversy has been met;
- (g) This action, based upon diversity of citizenship of Plaintiff from all Defendants properly joined and served, and the amount in controversy having met the threshold, is, therefore, properly removable, pursuant to 28 U.S.C. § 1441(a) and (b).

6. In accordance with 28 U.S.C. § 1447(b), there are attached to this Notice of Removal true and accurate copies of all pleadings and process served upon Defendant by Plaintiff in this cause.

7. In accordance with 28 U.S.C. § 1446(d), this Defendant shall give prompt written notice of the removal of this case to all parties to this lawsuit and shall file a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, Defendant, TARGET CORPORATION, respectfully requests that this case proceed before this Court as an action properly removed.

Respectfully submitted,

JOHNSON & BELL, LTD.

By: /s/ Robert M. Burke
One of the attorneys for Defendant,
Target Corporation

Robert M. Burke- ARDC#6187403
Michael J. Linneman- ARDC#6275375
Catherine P. Gorman- ARDC#6320695
Laura M. Nishimura- ARDC#6333135
JOHNSON & BELL, LTD.
33 W. Monroe St., Suite 2700
Chicago, Illinois 60603
(312) 372-0770
burker@jbltd.com
linnemanm@jbltd.com
gormanc@jbltd.com
nishimural@jbltd.com